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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,752	07/19/2006	Werner Swoboda	OST-051303	2014
22876	7590	06/16/2008		
FACTOR & LAKE, LTD 1327 W. WASHINGTON BLVD. SUITE 5G/H CHICAGO, IL 60607			EXAMINER GRAVINI, STEPHEN MICHAEL	
			ART UNIT 3749	PAPER NUMBER
			MAIL DATE 06/16/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/565,752

**Applicant(s)**

SWOBODA, WERNER

**Examiner**

Stephen Gravini

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 October 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-38 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 19 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-850)  
Paper No(s)/Mail Date 20061023  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Drawings***

The informal drawings are of sufficient quality to permit examination. Accordingly, replacement drawing sheets in compliance with 37 CFR 1.121(d) are not required in reply to this Office action.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-11, 36, 37, and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Groven (US 2,472,293). The claims are reasonably and broadly construed, in light of the accompanying specification, to be disclosed by Groven as comprising:

a suspended carriage **19** which can be moved in a translatable manner along at least one travel way and is suspended over the at least one emitter **3**, and in that at least two downwardly extending suspension supports **21**, **22** for suspension of the object are arranged one behind the other in the

longitudinal direction on a bogie truck (as shown in figure 1) of the suspended carriage, the length of which supports can be changed independently of each other with the aid of a motor **17**. Groven also discloses the claimed at least one of the suspension supports comprises two belts or chains which can be individually wound with the aid of a motor and which act on either side of the object at a supporting structure receiving the object at column 5 line 57 through column 6 line 5, a container **2** that is open at the top and arranged below the travel way, and into the interior of which the object can be introduced by an extension of the length of the suspension support and of which the interior can be subjected to electromagnetic radiation from the at least one emitter, at least one emitter is fitted in a wall or the base of the container as shown in figure 1, at least one emitter is fitted in the opposing side walls extending parallel to the translational movement of the objects and in at least one of the two end walls extending perpendicular to the translational movement of the objects or in the base of the container as shown in figure 1, a large number of emitters is arranged on all walls and in the base of the container as shown in figure 2, wherein any a plurality of emitters are provided in a U-shaped arrangement with two substantially vertical legs and a substantially horizontal base as shown in figure 1, wherein characterized the arrangement of the emitters at the substantially vertical legs is adapted to the course of the lateral surfaces of the object and the arrangement of emitters at the substantially horizontal base is adapted to the course of the downwardly oriented surface of the object as shown in figure 1, a protective gas can be supplied to the interior of the container at

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column 4 lines 52-72 and IR radiation in the background disclosure of the invention section of that reference, inlet sluice protective gas arrangement at column 6 lines 20-34.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Groven in view of Matsubara (US 4,769,925). Groven discloses the claimed invention, as rejected above, except for the feature of a plurality of suspended carriages which each comprise a separate driving unit for a translatory movement along the travel way. Matsubara discloses that feature on the face of that reference. It would have been obvious to one skilled in the art to combine the teachings of Groven, with a plurality of suspended carriages which each comprise a separate driving unit for a translatory movement along the travel way,

as disclosed in Matsubara, for the purpose of providing an efficient cost effective way to treat automobile paint curing in an economical manner.

Claims 12-13 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groven. Groven discloses the claimed invention, as rejected above, except for the feature of heavier than air protective gas in the immediate vicinity of at least one emitter and UV light. It would have been an obvious matter of design choice to one skilled in the art to combine the teachings of Groven, with the feature of heavier than air protective gas in the immediate vicinity of at least one emitter and UV light, since the teachings of Groven would perform the invention as claimed, regardless of the type of protective gas used.

Claims 14-17 are is rejected under 35 U.S.C. 103(a) as being unpatentable over Groven in view of Nilsson (US 4,416,068). Groven discloses the claimed invention, as rejected above, except for the feature of an uneven reflector or reflector material. Nilsson discloses that feature at column 8 lines 11-43. It would have been obvious to one skilled in the art to combine the teachings of Groven, with a feature of an uneven reflector or reflector material, as disclosed in Nilsson, for the purpose of providing an efficient cost effective way to treat automobile paint curing in an economical manner. Furthermore, Groven in view of Nilsson discloses the claimed invention except for the claimed aluminum foil. It would have been an obvious matter of design choice to one skilled in the art to combine the teachings of Groven in view of Nilsson, with the feature aluminum foil, since the teachings of Groven in view of Nilsson would perform the invention as claimed, regardless of the type of reflective material used.

Claims 18-20 are is rejected under 35 U.S.C. 103(a) as being unpatentable over Groven in view of Miskella (US 2,841,684). Groven discloses the claimed invention, as rejected above, except for the feature of cabin housing. Miskella discloses that feature in the detailed description and figures of that reference. It would have been obvious to one skilled in the art to combine the teachings of Groven, with a feature of a cabin housing, as disclosed in Miskella, for the purpose of providing an efficient cost effective way to treat automobile paint curing in an economical manner.

Claims 19-25 are is rejected under 35 U.S.C. 103(a) as being unpatentable over Groven in view of Kordomenos et al. (US 4,581,424). Groven discloses the claimed invention, as rejected above, except for the feature of catalyst oxygen removal through filtering and adsorption. Kordomenos discloses that feature in the detailed description and figures of that reference. It would have been obvious to one skilled in the art to combine the teachings of Groven, with catalyst oxygen removal through filtering and adsorption, as disclosed in Kordomenos, for the purpose of providing an efficient cost effective way to treat automobile paint curing in an economical manner.

Claims 26-33 are is rejected under 35 U.S.C. 103(a) as being unpatentable over Groven in view of Bergman (US 4,771,728). Groven discloses the claimed invention, as rejected above, except for the feature of an electromagnetic controller measuring and scanner like sampling. Bergman discloses that feature at column 6 line 48 through column 7 line 27. It would have been obvious to one skilled in the art to combine the teachings of Groven,

with an electromagnetic controller measuring and scanner like sampling, as disclosed in Bergman, for the purpose of providing an efficient cost effective way to treat automobile paint curing in an economical manner.

Claims 34-35 are is rejected under 35 U.S.C. 103(a) as being unpatentable over Groven in view of Ifju et al. (US 6,327,030). Groven discloses the claimed invention, as rejected above, except for the feature of a video digital image resolution. Ifju discloses that feature at column 6 line 48 through column 7 line 27. It would have been obvious to one skilled in the art to combine the teachings of Groven, with video digital image resolution, as disclosed in Ifju, for the purpose of providing an efficient cost effective way to treat automobile paint curing in an economical manner.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven B. McAllister can be reached on 571 272 6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen Gravini/  
Primary Examiner, Art Unit 3749